

**LCrR 12.1 Form and Time for Filing Criminal Motions.** Unless otherwise ordered by the Court, every motion filed in a criminal proceeding shall be accompanied by a memorandum of law citing supporting authorities. Where allegations of fact are relied upon, supporting affidavits shall be submitted.

Unless otherwise ordered by the Court, all pretrial motions in criminal cases, pursuant to Rule 12 of the Federal Rules of Criminal Procedure, shall be filed within **twenty (20)** days of arraignment.

### ***PROPOSED CHANGES***

Delete shaded language and substitute “ten (10).”

**LCrR 32.2 Disclosure of Presentence or Probation Records.** To comply with Federal Rule of Criminal Procedure 32 and 18 U.S.C. § 3552, the probation officer shall, as soon as practical, but no later than twenty-five (25) calendar days after the entry of a plea of guilty or verdict of guilty after trial, provide a copy of the preliminary draft of the presentence report to counsel for the defense and counsel for the government. Counsel for the defense shall disclose the presentence report to the defendant. **Copies of the presentence reports provided to counsel for the defense and government shall not be reproduced and shall be returned to the probation officer immediately following the sentencing hearing.** Counsel for the defense and counsel for the government shall have fourteen (14) calendar days from the date of the receipt of the preliminary draft of the presentence report to file objections with the probation officer. Thereafter, the probation officer shall have fourteen (14) calendar days from the date of the receipt of counsel's objections to provide a copy of the final presentence report to the Court and counsel for the defense and the government. The final presentence report shall include an addendum advising the Court of any unresolved issues. The sentencing hearing shall be held as provided by law.

Otherwise, no confidential records of this Court maintained by the probation office, including presentence and probation supervision records, shall be sought by any applicant except by written petition to this Court, establishing with particularity the need for specific information in the records.

(a) When a demand for disclosure of presentence and probation records is made, by way of subpoena or other judicial process, to a probation officer of this Court, the probation officer may file a petition seeking instruction from the Court with respect to responding to the subpoena.

(b) Whenever a probation officer is subpoenaed for such records, he shall petition the Court, in writing, for authority to release documentary records or produce testimony with respect to such confidential Court information.

(c) In either event, no disclosure shall be made except upon an order issued by this Court.

### ***PROPOSED CHANGES***

Delete the shaded language and substitute the following:

“Neither the preliminary draft nor the final presentence report provided to counsel for the defense and government shall be reproduced, except that, pursuant to 18 U.S.C. § 3552(d), the attorney for the government shall provide a copy of the presentence report to an attorney in the Financial Litigation Unit of the United States

Attorney's Office for use in collecting any assessment, criminal fine, forfeiture and/or restitution imposed. The preliminary draft of the presentence report shall be returned to the probation officer immediately upon receipt of the revised presentence report."

**LCrR 32.3 Continuing Control of Court.** Any copy of a presentence report which the Court makes available, or has made available, to the United States Parole Commission or the Bureau of Prisons constitutes a confidential Court document and shall be presumed to remain under the continuing control of the Court during the time it is in the temporary custody of these agencies. Such copy shall be lent to the Parole Commission and the Bureau of Prisons only for the purpose of enabling those agencies to carry out their official functions, including parole release and supervision, and shall be returned to the Court **after such use, or** upon request. Disclosure of a report is authorized only so far as necessary to comply with 18 U.S.C. § 4208(b)(2) and established case law.

### ***PROPOSED CHANGES***

Delete the shaded passage (to conform to existing practice).

**LCrR 32.4 Notice of Confidential Nature.** Any copy of any presentence report which the Court makes available to the United States Parole Commission or the Bureau of Prisons shall be marked prominently and distinctly on the cover sheet and the first and last pages of such report as follows: **Confidential. Property of U.S. Court submitted for official use of U. S. Parole Commission and Federal Bureau of Prisons, to be returned after such use, or upon request. Disclosure only to comply with 18 U.S.C. § 4208(b)(2) and established case law.**

### ***PROPOSED CHANGES***

Delete the shaded passage (to conform to present practice).